

Appl. No. : 09/727,070
Filed : November 29, 2000

REMARKS

Claims 1-11 and 21 remain pending in the application. Applicant appreciates Examiner's allowance of Claims 1-5. Applicant cancels Claim 20 and amends Claims 6 and 21 to overcome the rejections.

Discussion of Rejections Under 35 USC § 112.

The Examiner has rejected Claims 6-11, 20, and 21 under 35 USC § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicant cancels Claim 20 without prejudice. Thus, the rejection to Claim 20 is moot in light of the cancellation.

Applicant amends Claim 6 to delete the term "said straight line" in line 19 of the claim. Applicant has inserted in place of the deleted term the term "the flat surface" which refers to the flat surface forming a side of a regular polygon from lines 8-9 of the claim. Applicant believes that the amendment overcomes the rejection for lack of antecedent basis. Applicant respectfully requests reconsideration and allowance of Claim 6.

Claims 7-11 depend from Claim 6 and are believed to have been rejected under 35 USC § 112 solely on the basis of their dependency from Claim 6. Thus, the amendment to Claim 6 is believed to overcome the rejections to Claim 7-11. Applicant respectfully request withdrawal of the rejections to Claims 7-11 and allowance of the claims.

Applicant amends Claim 21 to overcome the rejections under 35 USC § 112. Applicant amends the term in line 7 of the claim to read "each spiral groove" to refer to each of the spiral grooves formed at the boundary portions adjoining the plurality of segment strands. Because there is a plurality of segment strands, there is a plurality of boundary portions adjoining the plurality of segment strands, and thus a plurality of spiral grooves.

Applicant also amends line 9 such that each of the spiral grooves comprises an arc-shaped curve having a predetermined radius R centered about "one of a plurality of vertexes". The remainder of the claim is amended to make the references to the spiral grooves and vertexes distinct.

Applicant respectfully believes the amendment overcomes the rejection and requests reconsideration and allowance of Claim 21.

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Discussion of Provisional Double Patenting Rejection

The Examiner has provisionally rejected Claim 6-11 and 21 under the judicially created doctrine of obviousness-type double patenting over Claims 1, 2, 5, and 8 of pending U.S. Application No. 09/881,256.

Following entry of the amendments of this paper, the only rejection remaining is the provisional obviousness-type double patenting rejection. Applicant respectfully believes that this situation is discussed in MPEP paragraph 804 (I)(B). MPEP 804(I)(B) states: "If the 'provisional' double patenting rejection in one application is the only rejection remaining in that application, the examiner should then withdraw that rejection and permit the application to issue as a patent, thereby converting the 'provisional' double patenting rejection in the other application(s) into a double patenting rejection at the time the one application issues as a patent."

Applicant believes that all pending claims in the current application are in condition for allowance. To the best of Applicant's knowledge, Application No. 09/881,256 remains pending and has not issued. Applicant respectfully believes that it is inappropriate at this time to file a Terminal Disclaimer over an application that has not issued. Thus, Applicant respectfully believes that Claims 6-11 and 21 of the present application are allowable without filing a Terminal Disclaimer.

Applicant has not evaluated the merits of the obviousness-type double patenting rejection. However, if Application No. 09/881,256 has issued, Applicant respectfully requests the opportunity to file a Terminal Disclaimer, amend the claims, or otherwise overcome the obviousness-type double patenting rejection.

Applicant respectfully believes that, should an obviousness-type double patenting rejection persist, a Terminal Disclaimer may be filed in Application No. 09/881,256 should the claims in the '256 application pass to issuance.

CONCLUSION

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, amendments to the claims for patentability purposes pursuant to 35 U.S.C. § 112, the reasons therefor, and arguments in support of the patentability of the pending claim set are presented above. In light of these amendments and remarks, reconsideration and withdrawal of the outstanding rejections is respectfully requested. Applicant

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submits that any claim limitations discussed above represent only illustrative distinctions. Hence, there may be other patentable features that distinguish the claimed invention from the prior art.

If there are any impediments to allowance of the claims that can be resolved with a telephone call, the Examiner is respectfully invited to call the undersigned. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: 11/6/03

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